The court found that the parties had knowingly entered into a speculative contract and that, although the event turned out very different from what was anticipated, nevertheless this miscalculation was not such a mistake as would entitle the disappointed party to relief. (*Pomeroy's Equity*, Sec. 855, 2 ed.) The two compromises of disputed claims are final and will be sustained by the courts without regard to validity of the claims. *Welthrum* v. *Kuhan*, 61 N. Y. 623; *Craus* v. *Hunter*, 28 N. Y. 389.

LANDLORD AND TENANT—LEASE—REESE, ET AL., V. ZINN, ET AL., 103 Fed. Rep. 97.—A lease so worded as to permit the lessee to determine it. *Held*, void for lack of mutuality.

The court holds that a clause to this effect in the lessee's favor confers the same power upon the lessor, thereby destroying the enforceability of the contract. *Kelly* v. *Waite*, 22 Metc. (Mass.) 300. *Guffey* v. *Herkill*, 34 W.Va. 49. 12 A. & E. 757.

LEGAL HOLIDAY—NEW YEAR'S DAY—PAGE V. SHARNWALD—65 N. Y. Supp. 174.—Defendant was obliged to make a tender on January 1st, declared by law to be a legal holiday. *Held*, it was not a *dies non* for making the tender and applied only to dealings in commercial paper, opening of public offices, etc.

MASTER AND SERVANT—FELLOW SERVANTS—INJURY TO EMPLOYEE—STUBER V. LOUISVILLE & N. R. Co., 102 Fed. 421.—A skilled machinist employed by the railroad to keep its pumps, tanks, and wells in condition, is not a fellow servant with the engineer.

The injured machinist was riding on the defendant's train in order to reach a point where he was to go to work, and was injured. If the court had found him injured while working on a tank near the railroad it might have found him a fellow servant under the decision in *Morgan* v. *Vale of Neath Ry. Co.* L. R., 1 Q. B. 149. But his injury was incurred while on the way to work, not while engaged in work. This establishes a distinction whose soundness is not unquestioned.

MASTER AND SERVANT—FELLOW SERVANTS—TRAIN DISPATCHER AND TRAINMEN—MISSOURI, K. & T. RY. V. ELLIOTT, ET AL., 102 Fed. 96.—*Held*, that a train dispatcher is not a fellow servant with the employees operating such trains.

The question of fellow servants is ably discussed from both sides in this case. It is hard to see how a train dispatcher is in such a position as to have us consider him an *alter ego* of the company. Yet this is the view of the majority. He does not represent his master any more than the engineer does in his line, nor is he at the head of a department. A consideration of the principles on which is based this doctrine of fellow servants would seem to favor the views of the dissenting judge. *R. R.* v. *Peterson*. 162 U. S. 346; 166, U. S. 399.

PHYSICIAN—SUIT FOR SERVICE—EBNER V. MACKEY, 57 N. E. (Ills.) 834—The plaintiff in this case had acted as physician for the husband of the defendant covering a period of several years before the death of the defendant's husband. The plaintiff brought suit for services rendered. The defendant refused payment on the ground that the plaintiff's visits were of unnecessary frequency and hence his claims were exorbitant. *Held*, that a physician ought to be the sole judge of the necessary frequency of his visits, and need not prove the necessity for making them in order to get compensation.

This decision is clearly right in principle. A physician being responsible for the want of care and faithful attention to his patients, a contrary rule would